



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,749	06/29/2001	Douglas K. Wyatt	418268862US1	3336
45979 7590 10/04/2007 PERKINS COIE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER WOOD, WILLIAM H	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/893,749

Applicant(s)

WYATT ET AL.

Examiner

William H. Wood

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 25-43 are pending and have been examined.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 25-43 are rejected under 35 U.S.C. 102(e) as being anticipated by **Balasubramaniam** et al. (USPN 6,477,550).

Claim 25

Balasubramaniam disclosed a method in a client of launching a software component, the client having an execution environment, the method comprising:

receiving from a user a request to launch the software component
(*column 5, lines 60-61; column 6, lines 1-2*);

sending to a server a request to launch the software component (*column 5, lines 60-61*);

in response to sending the request, receiving from the server a launch page that includes code to request downloading of the software component configured based on the determined parameters (*column 6, lines 47-51*); and

under control of the code of the received launch page,

determining whether the software component can successfully execute in the execution environment of the client (*column 6, lines 47-51*);

when it is determined that the software component can successfully execute in the execution environment of the client (*column 6, lines 47-51*),

determining parameters of the execution environment of the client (*column 6, lines 47-51*);

sending to the server a request to download the software component, the request indicating the determined parameters (*column 6, lines 47-51*);

receiving from the server the software component configured according to the determined parameters (*column 6, lines 47-51*); and
launching execution of the software component (*column 6, lines 62-65*).

Balasubramaniam did not explicitly state “determine parameters of the execution environment of the client”. **Platt** demonstrated that it was known at the time of invention to determine parameters of an execution environment for and for printing error messages when conditions are not appropriate (figure 8). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the web page of **Balasubramaniam** with such code for determination of environment and printing error messages as found in **Platt’s** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to further automate the process and alleviate the user from difficult technical determinations (**Platt**: column 1, lines 45-55; and **Balasubramaniam**: column 5, lines 60-62).

Claim 26

Balasubramaniam disclosed the method of claim 25 wherein the determining of whether the software component can successfully execute in the execution environment of the client includes determining whether a certain scripting language is supported (*figure 3, line 10, “SCRIPT LANGUAGE=”JavaScript”*).

Claim 27

Balasubramaniam disclosed the method of claim 25 wherein the determining of whether the software component can successfully execute in the execution environment of the client includes determining whether the software component can be downloaded from the server (*column 6, lines 55-59*).

Claim 28

Balasubramaniam disclosed the method of claim 27 wherein the determining of whether the software component can be downloaded includes attempting to download from the server a test component (*column 6, lines 55-59*).

Claim 29

Balasubramaniam disclosed the method of claim 25 wherein the determining of whether the software component can successfully execute in the execution environment of the client includes determining whether a browser is enabled to execute code in a certain language (*figure 3, line 10, "SCRIPT LANGUAGE="JavaScript"*).

Claim 30

Balasubramaniam disclosed the method of claim 25 including when it is determined that the software component can successfully execute in the

Art Unit: 2193

execution environment of the client, establishing a connection between the client and the server (*column 6, lines 47-51, then it is downloaded*).

Claim 31

Balasubramaniam disclosed the method of claim 25 including after sending to the server a request to download the software component, receiving from the server application content (*column 6, lines 47-51*).

Claim 32

Balasubramaniam disclosed the method of claim 25 including after receiving from the server the software component configured according to the determined parameters, executing code to detect changes in a parameter of the execution environment of the client and when a change is detected, notifying the server of the change to the parameter so that the server can effect the re-configuring of the software component (*column 6, lines 52-54, component now updated and maintained whenever visiting server*).

Claim 33

Balasubramaniam disclosed the method of claim 25 wherein a parameter of the execution environment of the claim indicates whether a browser has certain plug-ins (*column 6, lines 15-37*).

Claim 34

Balasubramaniam disclosed the method of claim 25 wherein a parameter of the execution environment of the client relates to a security policy of the client (*column 6, lines 4-6, browser detection indicates security of that type of browser*).

Claim 35

Balasubramaniam disclosed the method of claim 25 wherein a parameter of the execution environment of the client relates to a hardware configuration of the client (*column 6, lines 4-6, browser detection indicates hardware configuration able to support such a browser*).

Claims 36-43

The limitations of claims 36-43 correspond to the limitations of claims 25-32 and are rejected in the same manner.

Response to Arguments

Applicant's arguments with respect to claims 25-43 have been considered but are moot in view of the new ground(s) of rejection. As there is a new ground of rejection the Office Action is not final.

It is noted for further clarity that web pages of **Balasubramaniam** contains the software components. Thus, if a web page with a particular software component is launched, the component is also launched. Further, if a

Art Unit: 2193

web page with a component is requested, the component is also requested. A component is configured based upon parameters at least in that the component is downloaded for a particularly chosen installation based upon such parameters.

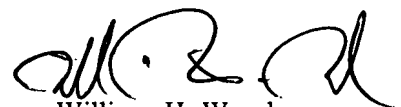
Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)-272-3756. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood
Patent Examiner
AU 2193
October 1, 2007